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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,931	10/03/2003	Robert P. McCollum	13174.42USI1	1210
23552	7590	08/08/2006	EXAMINER	
MERCHANT & GOULD PC			DIXON, MERRICK L	
P.O. BOX 2903			ART UNIT	
MINNEAPOLIS, MN 55402-0903			PAPER NUMBER	
			1774	

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/678,931

Applicant(s)

MCCOLLUM ET AL.

Examiner

Merrick Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) 1-26,50-72 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**MERRICK DIXON**  
**PRIMARY EXAMINER**

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 27-33,35-40,44,47, 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higashi et al( US 6818302 B2) in view of Figge et al(US 4194938). The cited primary reference to Higashi et al teaches the basic claimed invention including a laminated structure comprising an acrylic layer of specific thickness( col 3, lines 19-25; col 6, lines 19-53; col 5, lines 59-65;col 8, lines 7-47. Although the primary reference further teaches additional layers(col 6, lines 64-67) and additionally teaches reinforcing contiguous layers(col 2, lines 49-52), the secondary reference to Figg et al more clearly shows that it is known to include cured fiber reinforced thermoset resin layers- col 1, lines 46-50; col 2, lines 26-39; col 3, lines 4-10. It would have been obvious to one of ordinary skill in the art at the time the invention is made to combine the teachings of the secondary reference to include layers of specific material in the primary reference, in the absence of unexpected results motivated by the desired to impart desired layer/product characteristics- col 1, lines 54-57 . Concerning claims 28-30, the primary reference teaches similar external layer- col 5, lines 59-col 6, line 21. The primary reference further teaches similarly claimed thickness as required by claim 32 in col 3, lines 19-25; col 6, lines 22-27. The primary reference teaches laminated material in col 6, lines 29-33 as required by claim 33. The primary reference

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also teaches thermoplastic as required by claim 35- col 7, lines 1-13. The primary reference teaches vehicle and house hold structures; and curved/flange articles as required by claims 36-40,47- 49- col 8, line 49; col 9, lines 16-29; col 10, lines 54-64.

This would also include, it is submitted, wide angled laminated article attachment means for tub like article fig 1.

3. Claims 34 and 43 ,rejected under 35 U.S.C. 103(a) as being unpatentable over Higashi et al( US 6818302 B2) and Figg et al , as applied to claims 27-33,35-40,44,47,48 and 49 above and further in view of Wanat et al( US 6852405 B2).

Although the obvious combined teachings of the references teach various material for its layers, inter alla, Wanat et al reference more clearly teaches that it is known in the art to also use such material be ABS- col 6, lines 22-23. It would have been obvious to one of ordinary skill in the art at the time the invention is made to combine the teachings of Wanat et al and utilize such well known plastic as ABS in the obvious combined teachings of the references above , in the absence of unexpected results, motivated by the desire to increase adhesion between the adjacent layers- col 6, lines 15-21.

4. Claims 41,42 , 45, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higashi et al(US 6818302 B2), Figg et al('938) and Wanat et al( US 6852405 B2) as applied to claims 34 ,43 above, and further in view of Motoi et al (US 6605343 B1). Motoi et al teaches that it is known in the art to include foamed polyurethane reinforcement in laminated structures as taught by the obvious combined

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teachings of the references as set forth in section 4 above- col 5, lines 43-66; col 13, lines 41-50.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bonafino et al( US 5103293) is cited of interest to show the state of the art.

6. Applicant's arguments with respect to claims 27-49 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. This application contains claims 1-26,50-72 drawn to an invention nonelected with traverse in Paper No. 12-5-05. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can do so by using the Examiner's personal fax number at 571-273-1520. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 ( November 15, 1989). **NOTE: All facsimiles sent to the examiner's personal fax number should be in draft-forms and will be treated as informal.**

**Same facsimiles will not be entered** in the related applications unless otherwise agreed and noted by the examiner.

**The fax number for all other fascimile is 571-273-8300.**

Information about **the status of an application** may be obtained from the Patent Information Retrieval system (**Private PAIR**).

Status inquires for **published applications** may be retrieved from either **Private PAIR** or **Public PAIR**. Questions about the PAIR system should be directed to the Electronic Business Center at **866-217-9197**.

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Any questions concerning the instant communication should be directed to Examiner Dixon, at 571-272-1520, Mondays, Wednesdays and Thursdays, between 12 noon and 8 PM, eastern time .

A handwritten signature in black ink, appearing to read 'Merrick Dixon', with a long, sweeping horizontal stroke extending to the right.

Merrick Dixon

Primary Examiner

Group 1700